

Message

From: Vista Stewart [vistas@kmcoinc.com]
Sent: 4/16/2019 6:55:24 PM
To: tina.tran@tceq.texas.gov; Moore, Gary [Moore.Gary@epa.gov]; craig.hill@PCS.HCTX.Net; cameron.dews@pcs.hctx.net
CC: Mark Kaulen [Mark.Kaulen@kmcoinc.com]
Subject: KMCO, LLC Supplemental Stormwater Management Plan Update /

Tina Tran/ Gary Moore / Craig Hill/ Cameron Dews:

Please find below an addendum to the Supplemental Stormwater Management Plan and a renewed request for TCEQ approval for removal of temporary berms. This request is based on a comparison to background for constituents of concern associated with this response action. Berm removals are needed to prevent flooding of nearby residences.

Event Summary Action Taken:

KMCO, LLC has made all possible efforts to minimize offsite impacts due to fire water runoff and subsequent stormwater contaminant migration. As discussed in earlier submittals:

- All offsite firewater flow from the immediate event was collected – expedited runoff collection and quickly establishing site perimeter containment minimized the downstream impacts.
- Site containment was established to prevent subsequent Stormwater offsite flow into the offsite conveyance system. Diversion of inflow waters from offsite was employed wherever possible.
- Stormwater was collected during two consecutive rain events – collected stormwater included both the first flush and upstream drainage into the adjacent drainage system. All stormwater with potential of having been in contact with either impacted water or impacted soils has been collected.
- Three to six inches of soil was removed from all areas with a potential for contact with the firefighting water and runoff/runon water flow. Following soil removal, the underlying material was a tight clay which acts as a confining layer not likely to demonstrate residual subsurface impacts related to subsequent surface water runoff events.
- Sampling of all subsurface soils has been conducted. Based on analysis from KMCO's contracted toxicologist, concentrations are below established health and ecological residual impact standards (Tier I Residential PCLs). Although some results may be above current background values, please note that:
 - It is important to note that any potential samples taken from upstream of the site are heavily inclusive of industrial, railroad/ transportation, heavy agricultural and residential sources. Samples have identified compounds above background that do not appear to have resulted from the recent incident at the KMCO Plant.
 - As noted above, the underlying clay is unlikely to have been impacted by runoff associated with the recent event.
- Additional background and subsurface soil samples have been collected – results are pending.

Agency Conversations:

All temporary changes to County conveyance, or flow patterns were discussed and approved prior to any physical changes or impacts occurring.

- On 4/4/19 at 4:00, the Stormwater Management Plan was reviewed with Tina Tran and Anallely Salinas from TCEQ Region 12.
- On 4/6/19 at 8:50, Mark Kaulen, Vista Stewart and Eddie Lewis from KMCO, LLC met with Craig Hill of Harris County Pollution Control Services, Nicholas McDonnald representing EPA, Tina Tran and Anallely Salinas of TCEQ Region 12 (Air Section). The current plan was verbally approved to include the following activities:
 - In the event of copious rainfall, KMCO will open the 36" block valve to direct flow from Clara Wilson Rd through the Western Stormwater Conveyance, bypassing the Northern and Eastern Facility Perimeter Conveyances.

- Crosby-Dayton Road County Ditch Section 3 and Section 4:
 - In the event of rain, the first flush (1/4 inch or 15 minutes of runoff) will be collected with vac trucks.
 - Subsequent runoff will be pumped downstream to maintain freeboard in both Section 3 and Section 4.
 - If Berm 2 fails or is compromised, water will cease to be pumped and collection in Section 3 will begin.
- Plan actions were subsequently modified to incorporate elements that generate more conservative results.
- On 4/7/19, Mark Kaulen received approval from TCEQ, HCPC, and EPA to redirect water flowing from East Ramsey Road over and back around through the plant bypass using 2 pumps, one with 3" and one with 4" hoses ran down Clara Wilson Road and directed through KMCO. Harris County brought in dirt and diked up the west ditch as barriers were built on East Ramsey side to keep water flow from coming from the north.
- On 4/10/19 at 12:15, Gary Moore with EPA approved that the rain fall on 4/7/19 was sufficient to be considered flush water. This allowed KMCO to begin remediation of the ditches upon completion of runoff water collection. This also satisfied requests from TCEQ to flush the culverts after the firefighting foam was collected.
- On 4/12/19 at 11:00 Gary Moore with EPA, Cameron Dews and Craig Hill with Harris County Pollution Control Services, and Tina Tran with TCEQ met with several KMCO and CTEH representatives and to review the plan to remove temporary berms after the soil collection is completed. EPA and HCPC representatives both stated their alignment with the path forward with the inclusion of "Waddles" for sediment control. TCEQ requested additional time to review the analytical results received at that time.

Proposed Future Action Plan:

Based on decision and agreements with Agencies (Harris County and EPA), following guidance from TCEQ, and in alignment with results from post event soil sampling efforts showing that all event impacted soils, to levels below detectible health and ecological residual impact standards (Tier I Residential PCL's), have been removed, the following steps are needed to return the conveyances to pre-event flows, in order to prevent flooding of nearby residences:

- Berms and pumps established to contain and collect all impacted stormwater or runoff/run-on must be removed in all offsite conveyances.
- All diversions established to prevent run-on water from crossing areas formerly impacted must be removed allowing for reestablishment of original drainage patterns.
- As a preventative measure internal berms or dams installed to prevent on-site flow from comingling with Stormwater or run-on flows will be maintained until on-site clean-up efforts are completed.
- Stormwater testing will occur during the next rain event in conveyance locations both upstream and downstream of the conveyance potentially impacted.

Request for Formal Approval for Temporary Berm Removal:

As noted above, KMCO is proposing the removal of temporary berms in light of sample results indicating that constituents of concern are well below Tier I Residential PCLs. We understand that the TCEQ's position has been that soil concentrations must be demonstrated to meet background prior to berm removal because this is an emergency response action, but note here that several of the compounds that have tested in excess of background samples were not present at the KMCO Plant when the recent incident occurred and the underlying clays are unlikely to have been impacted by water runoff from the emergency incident removal of the berms is appropriate

In light of the information above, we again request approval for removal of the temporary berms. KMCO has successfully collected stormwater from two prior rain events, but the TCEQ has not allowed treatment of this water in our wastewater treatment plant and, as a result, our remaining storage capacity is insufficient to manage stormwater from a third event (anticipated on 4/17/19 around Noon). Unless the berms are removed, there is a significant risk that impounded stormwater will overflow the ditches and impact neighboring residential properties.

Regardless of whether TCEQ formally approves berm removal, our understanding based on prior conversations with the TCEQ is that the agency expects KMCO to take whatever actions necessary to mitigate harm to human health, the environment and property and this could require removal of the berms, even if formal approval is not received and doing so subjects KMCO to the risk of enforcement.

Please advise if you have any changes to the proposed action plan by tomorrow morning so that we have time to plan prior to the next storm event that is expected around Noon on April 17th. If additional information is needed, we can arrange a time for you to discuss sample results with our toxicologist.

Business Confidential Information

Best regards,

Vista Boza-Stewart
KMCO, LLC

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